

1 BEFORE THE
2 POLLUTION CONTROL HEARINGS BOARD
 STATE OF WASHINGTON

3 IN THE MATTER OF)
4 ROY GUSTAFSON,)
5 d.b.a. LaCharme Apartments,)
 Appellant,)
6 vs.)
7 PUGET SOUND AIR POLLUTION)
8 CONTROL AGENCY,)
 Respondent.)
9 _____

PCHB No. 262

FINDINGS OF FACT,
CONCLUSION AND ORDER

10
11 A formal hearing on the appeal of Roy Gustafson, owner of LaCharme
12 Apartments, to a Notice of Civil Penalty of \$25.00 for an alleged
13 violation of respondent's smoke emission regulations, came before Board
14 members W. A. Gissberg and James T. Sheehy on March 19, 1973 in Seattle,
15 Washington. Appellant appeared pro se and respondent appeared through
16 its attorney, Keith D. McGoffin.

17 On the basis of testimony heard and exhibits examined, the Pollution
18 Control Hearings Board prepared Proposed Findings of Fact, Conclusion

1 and Order which were submitted to the appellant and respondent on May 11,
2 1973, No objections or exceptions to the Proposed Order having been
3 received, the Board makes and enters the following:

4 FINDINGS OF FACT

5 I.

6 The LaCharme Apartments are located in Seattle, King County,
7 Washington, and owned by Roy Gustafson. On November 27 and November 28,
8 1972, he caused or allowed black smoke to be emitted therefrom for
9 periods of 4.5 minutes and 7.5 minutes respectively, which smoke was
10 darker in shade than No. 3.5 on the Ringelmann Chart.

11 II.

12 Appellant admits to the violation which occurred at a time when
13 appellant was installing interruptible natural gas service.

14 III.

15 Appellant was assessed a civil penalty of \$25.00 for the
16 November 28, 1972 violation; none was assessed for the November 27,
17 1972 violation.

18 IV.

19 Section 9.03(a) of respondent's Regulation I makes it unlawful to
20 cause or allow the emission of an air contaminant for more than three
21 minutes in any hour which is darker in shade than that designated as
22 No. 2 on the Ringelmann Chart.

23 From which the Board makes the following

24 CONCLUSION OF LAW

25 Appellant violated respondent's Regulation I on November 27 and
26 on November 28, 1972, each being separate violations.

27 FINDINGS OF FACT,
CONCLUSION AND ORDER

1 From which follows this

2 DECISION AND ORDER

3 Respondent's Notice of Civil Penalty is affirmed.

4 DONE at Lacey, Washington this 14th day of June, 1973.

5 POLLUTION CONTROL HEARINGS BOARD

6 Walt Woodward
7 WALT WOODWARD, Chairman

8 W. A. Gissberg
9 W. A. GISSBERG, Member

10 James T. Sheehy
11 JAMES T. SHEEHY, Member

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26 FINDINGS OF FACT,
27 CONCLUSION AND ORDER